ROSEVILLE ZONING BOARD OF APPEALS

CIVIC CENTER COUNCIL CHAMBERS
29777 GRATIOT AVENUE
ROSEVILLE, MI 48066

TUESDAY, October 5, 2010
7:00 p.m.

ROLL CALL:

PRESENT:	Mayor	John Chirkun
	Mayor Pro Tem	Robert Taylor
	Board Members	Salvatore Aiuto
		Jan Haggerty
		Frank Maisano
		Colleen McCartney
		Bill Shoemaker
ABSENT:		None

OTHERS PRESENT:

City Manager	Stephen Truman
City Attorney	Tim Tomlinson
City Clerk	Richard M. Steenland

Mayor John Chirkun called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

I. ROUTINE MATTER

1. Approval of minutes of meeting held September 21, 2010.

BOARD MEMBER COLLEEN MCCARTNEY moved, BOARD MEMBER JAN HAGGERTY seconded to approve the minutes of September 21, 2010.
MOTION CARRIED
Mayor John Chirkun – abstain
Board Member Frank Maisano - abstain

II. OLD BUSINESS

1. Public Hearing and Board consideration for variance to keep a privacy fence installed without the required corner clearance at the driveway on the property at 28259 Floral, Larry Adam-William Novak, petitioner.

Larry Adam-William Novak, 28259 Floral, Roseville, appeared on behalf of this request and answered the Board Member's questions.

City Clerk Richard M. Steenland received no correspondence.

No one from the public wished to be heard.

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER JAN HAGGERTY seconded to close the Public Hearing.
MOTION CARRIED UNANIMOUSLY

BOARD MEMBER COLLEEN MCCARTY moved, BOARD MEMBER SALVATORE AIUTO seconded to approve the petitioner's request for a variance, to keep a privacy fence installed without the required corner clearance at the driveway on the property at 28259 Floral with the following stipulation:

- The driveway gates shall remain closed at all times that the driveway is not being used to access the property.

MOTION CARRIED UNANIMOUSLY

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO KEEP A PRIVACY FENCE INSTALLED WITHOUT THE REQUIRED CORNER CLEARANCE AT THE DRIVEWAY ON THE PROPERTY AT 28259 FLORAL, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-18-278-012 VAR. #2710

will be in harmony with the general purpose and intent of Zoning Ordinance No. 895 Section 134-5 D, will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

MOTION CARRIED UNANIMOUSLY

2. Public Hearing and Board consideration for variance to create a 400 square foot sign on the north elevation on the property at 25280 Gratiot, Grady's Lounge, Delores Lindroth, petitioner.

   Delores Lindroth, 25875 Pattow, Roseville, appeared on behalf of this request and answered the Board Member's questions.

   City Clerk Richard M. Steenland received no correspondence.

BOARD MEMBER BILL SHOEMAKER moved, BOARD MEMBER JAN HAGGERTY seconded to approve the petitioner's request for a variance, to create a 400 square foot sign on the north elevation on 25280 Gratiot; Grady's Lounge, based upon the finding that 150 square feet is not sufficient size to be seen by traffic driving on southbound Gratiot, with the following stipulations:

- No nudity including breast or genitalia.
- Approval is subject to review in one year.

MOTION CARRIED UNANIMOUSLY

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO CREATE A 400 SQUARE FOOT SIGN ON THE NORTH ELEVATION ON THE PROPERTY AT 25280 GRATIOT, ROSEVILLE, MICHIGAN 48066,

PERMANENT PARCEL NO. 14-20-352-060 VAR. #2810

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1064 Section 264-5-B-3 (b), will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

MOTION CARRIED UNANIMOUSLY

3. Public Hearing and Board consideration for variance to keep vehicles awaiting repairs parked outside overnight on the property at 17920 12 Mile Road, Royal Transmission, Patrick Smith, representative.

   Patrick Smith, 27203 Pinewood, Roseville, appeared on behalf of this request and answered the Board Member's questions.

   City Clerk Richard M. Steenland received one letter in favor of this request.

   No one from the public wished to be heard.

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER JAN HAGGERTY seconded to close the Public Hearing.

MOTION CARRIED UNANIMOUSLY

BOARD MEMBER ROBERT TAYLOR moved, BOARD MEMBER FRANK MAISANO, seconded to approve the variance request to keep vehicles awaiting repairs parked outside overnight on the property 17920 12 Mile , Royal Transmission, with the following stipulations:

- The variance will be reviewed in five (5) years.
- The maximum number of parking spaces allowed is thirteen (13), eleven (11) in the 'L' shaped area adjacent to the building plus two (2) additional spaces along Utica Road.

MOTION CARRIED UNANIMOUSLY

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO KEEP VEHICLES AWAITING REPAIRS PARKED OUTSIDE OVERNIGHT ON THE PROPERTY AT 17920 12 MILE, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-17-206-002 VAR. #2910

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1202 Section 1202-8 b, will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

MOTION CARRIED UNANIMOUSLY

4. Public Hearing and Board consideration for variance to keep access driveway from Masonic closed to Briar Hill Condominiums on the property along Beaconsfield between Masonic and Brandt, Briar Hill Condominium, Joseph Ossowski, representative.

Joseph Ossowski, Briar Hill Condominiums, 32175 Beaconsfield Unit # 47, Roseville, appeared on behalf of this request and answered the Board Member's questions.

City Clerk Richard M. Steenland received one petition with fourteen signatures in opposition of this request. (Received at meeting of September 21, 2010)

The following individuals spoke regarding this request:

- James Goldwater, 19346 Brandt, is in favor of the new right turn only approach.

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER FRANK MAISANO seconded to close the Public Hearing.

MOTION CARRIED UNANIMOUSLY

BOARD MEMBER SALVATORE AIUTO moved, BOARD MEMBER FRANK MAISANO seconded to approve the request for a variance based upon the finding that an undue hardship exists; being the closing of Masonic entrance will reduce the amount of traffic though the complex by persons who do not reside there, with the following stipulations:

- A right turn only sign is installed on the Brandt Street exit from Briar Hill Condominiums.
- Install a right turn only sidewalk / curb approach.
- Remove second driveway.

MOTION CARRIED UNANIMOUSLY

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO KEEP ACCESS DRIVEWAY FROM MASONIC CLOSED TO BRIAR HILL CONDOMINIUMS ON THE PROPERTY ALONG BEACONSFIELD BETWEEN MASONIC AND BRANDT, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-04-178-0001 VAR. #3010

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1209 Section 2309, will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and therefore, is hereby granted.

MOTION CARRIED UNANIMOUSLY

III. NEW BUSINESS

1. Public Hearing and Board consideration for variance to erect a an off-premise 1200 square foot sign with a height of 80 feet on the property at 16235 E. 11 Mile Road, V.I.P. Company, Joseph Oram petitioner.

   Joseph Oram, 29551 Greenfield Suite 219, Southfield, appeared on behalf of this request and answered the Board Member's questions.

   City Clerk Richard M. Steenland received no correspondence.

   The following individuals spoke regarding this request:

   - Don Fersard, owner of the apartment building on Academy and 11 Mile. Mr. Fersard is opposed of this request.

BOARD MEMBER JAN HAGGERTY moved, BOARD MEMBER FRANK MAISANO seconded to close the Public Hearing.

MOTION CARRIED UNANIMOUSLY

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER BILL SHOEMAKER seconded to approve the petitioner's request for a variance based upon the finding that; an undue hardship exists, being:

1. The property upon which the petitioner seeks to erect the sign would not allow for the sign to be seen from the I-696 expressway.
2. There are other signs similar in nature along the expressway that are similar in size and height.
3. The size and height of the sign are consistent with the type of uses permitted along the I-696 corridor, with the following stipulation:
    - Notice and waiver of zoning right to be recorded to the registered of deeds.

6 yeas, 1 nay

MOTION CARRIED

IT IS RESOLVED THAT, pursuant to the application and testimony of the petitioner, and the Zoning Board of Appeals having taken into consideration the nature of the land in question, buildings and other structures located thereon and adjacent thereto, the character of the neighborhood and its general physical development, together with the applicable zoning, and having given consideration to the health, safety and welfare of the area in question, and having considered all of the pertinent factors, it is the finding of this Zoning Board of Appeals that granting the following variance:

PERMISSION TO ERECT AN OFF – PREMISE 1200 SQUARE FOOT SIGN WITH A HEIGHT OF 80 FEET ON THE PROPERTY AT 16235 E 11 MILE ROAD, ROSEVILLE, MICHIGAN 48066.

PERMANENT PARCEL NO. 14-18-455-025 VAR. #2610

will be in harmony with the general purpose and intent of Zoning Ordinance No. 1064 Section 264-6- A (1) (C) and will not be injurious to the neighborhood or otherwise detrimental to the public welfare and therefore, is hereby granted.

6 yeas, 1 nay

MOTION CARRIED

IV. HEARING OF THE PUBLIC

No one from the public wishes to be heard.

IV. ADJOURNMENT

BOARD MEMBER FRANK MAISANO moved, BOARD MEMBER ROBERT TAYLOR seconded that the agenda having been acted upon; the meeting is hereby adjourned at 7:50 p.m.

MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Richard M. Steenland, City Clerk